


JUDGMENT OF DISMISSAL		DOCKET NUMBER 200462SC001888	Trial Court of Massachusetts District Court Department Small Claims Session	
CASE NAME DAN MEDINA vs. JOHN P. CONNOR, SR.				
PLAINTIFF(S) WHO ARE PARTIES TO THIS JUDGMENT P01 DAN MEDINA		CURRENT COURT Worcester District Court 50 Harvard Street Worcester, MA 01608-1198 (508) 757-8350		
DEFENDANT(S) WHO ARE PARTIES TO THIS JUDGMENT D01 JOHN P. CONNOR, SR.		ROOM/SESSION	←←←←← WHEN YOU MUST APPEAR ←←←←←	
ARTY TO WHOM THIS COPY OF JUDGMENT IS ISSUED D01 JOHN P. CONNOR, SR. 2 MAIN STREET WORCESTER, MA 01608				
ATTORNEY FOR PARTY TO WHOM THIS COPY OF JUDGMENT IS ISSUED				

JUDGMENT OF DISMISSAL

On the above claim, the Court has dismissed this claim pursuant to Uniform Small Claims Rule 7(b) upon motion for dismissal. This means that the defendant(s) does not have to pay the plaintiff(s) any part of the claim or costs in this claim.

Neither the plaintiff(s) nor the defendant(s) has any right of appeal from this judgment of dismissal. Uniform Small Claims Rule 8 provides that for good reason any party may file a motion within one year of this judgment, with notice to the other parties, requesting the Court to vacate this judgment of dismissal.

**Commonwealth of Massachusetts
The Trial Court
District Court Department
Worcester Division
50 Harvard Street, Worcester, MA 01608
(508) 757-8350**

June 14, 2004

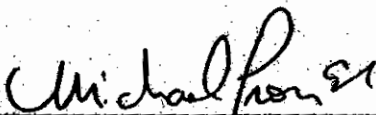
**Finding and Order
0462SC1888**

Dan Medina v. John P. Connor, Sr. & Honeywells, Inc.

The above captioned action was filed in the Worcester District Court on April 15, 2004 by the plaintiff against John P. Connor, Sr., a justice of the Superior Court Department, and Honeywells, Inc. a corporation located in Southborough.

A motion to dismiss was filed on behalf of defendant John P. Connor, Sr. asking that the complaint be dismissed. Although the complaint could be dismissed on several grounds, I am ordering to be dismissed for lack of subject matter jurisdiction. The District Court, and the Small Claims Session in particular, do not have subject matter jurisdiction over claims brought against the Commonwealth or its agents under G.L. chapter 258 (the Tort Claims Act).

I order that the claim against defendant John P. Connor, Sr. be dismissed. The complaint as to defendant Honeywells, Inc. will proceed, but will not be scheduled for trial until the plaintiff is released from custody in Maine and either returned to custody in Massachusetts or released outright.



Michael D. Prosser, Magistrate

JUDGMENT OF DISMISSAL

DOCKET NUMBER

200462SC001889

Trial Court of Massachusetts
District Court Department
Small Claims Session

CASE NAME DAN MEDINA vs. JOHN P. CONNOR, SR.

PLAINTIFF(S) WHO ARE PARTIES TO THIS JUDGMENT
P01 DAN MEDINACURRENT COURT
Worcester District Court
50 Harvard Street
Worcester, MA 01608-1198
(508) 757-8350DEFENDANT(S) WHO ARE PARTIES TO THIS JUDGMENT
D02 KATHLEEN M. DENNEHY
D01 JOHN P. CONNOR, SR.

ROOM/SESSION

 <<<<<<
 WHEN
 YOU
 MUST
 APPEAR
 <<<<<<
PARTY TO WHOM THIS COPY OF JUDGMENT IS ISSUED
D01 JOHN P. CONNOR, SR.
2 MAIN STREET
WORCESTER, MA 01608

ATTORNEY FOR PARTY TO WHOM THIS COPY OF JUDGMENT IS ISSUED

JUDGMENT OF DISMISSAL

In the above claim, the Court has dismissed this claim pursuant to Uniform Small Claims Rule 7(b) upon motion for dismissal. This means that the defendant(s) does not have to pay the plaintiff(s) any part of the claim or costs in this claim.

Neither the plaintiff(s) nor the defendant(s) has any right of appeal from this judgment of dismissal. Uniform Small Claims Rule 8 provides that for good reason any party may file a motion within one year of this judgment, with notice to the other parties, requesting the Court to vacate this judgment of dismissal.

**Commonwealth of Massachusetts
The Trial Court
District Court Department
Worcester Division
50 Harvard Street, Worcester, MA 01608
(508) 757-8350**

June 14, 2004

Finding and Order

0462SC1008 1889

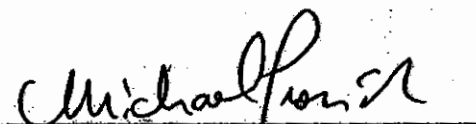
**Dan Medina v. John P. Connor, Sr. & Kathleen M.
Dennehy, as she is Commissioner of D.O.C.**

The above captioned action was filed in the Worcester District Court on April 15, 2004 by the plaintiff against John P. Connor, Sr., a Justice of the Superior Court Department, and Kathleen M. Dennehy, the Commissioner of the Department of Correction.

A motion to dismiss was filed on behalf of defendant John P. Connor, Sr. asking that the complaint be dismissed. Although the complaint could be dismissed on several grounds, I am ordering to be dismissed for lack of subject matter jurisdiction. The District Court, and the Small Claims Session in particular, do not have subject matter jurisdiction over claims brought against the Commonwealth or its agents under G.L. chapter 258 (the Tort Claims Act).

As the defendant Kathleen M. Dennehy is also an official of the Commonwealth any claim against her in her capacity as the Commissioner of the Department of Correction is also subject to the requirements of G.L. chapter 258 and must also be dismissed for lack of subject matter jurisdiction.

I order that the claim against both defendants be dismissed.


Michael D. Prosser, Magistrate

STATEMENT OF SMALL CLAIM AND NOTICE OF TRIAL

DOCKET NO.

State Court of Massachusetts
Small Claims Session

☐ BOSTON MUNICIPAL
COURT

☒ DISTRICT COURT

☐ HOUSING COURT

Springfield Division

Division

PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE

PLAINTIFF'S ATTORNEY (if any)

DAN MEDINA

Name:

P.O. Box 100

Address:

Springfield MA 01102

PHONE NO:

PHONE NO:

BBO NO:

DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE

ADDITIONAL DEFENDANT (if any)

LAWNA R. GENTILE

Name:

50 STATE ST. P.O. Box 559

Address:

Springfield 01102

1 Madison Street

EAST RUTHERFORD NJ
07073

PHONE NO:

PHONE NO:

PLAINTIFF'S CLAIM. The defendant owes \$1800 plus \$ court costs for the following reasons:
Give the date of the event that is the basis of your claim.

DEFENDANT'S FAILURE TO THEIR WARRANTY
AND TO REPAIR, REPAIR OR REIMBURSEMENT
AGAINST PLAINTIFF CAUSED A MONETARY
LOSS, RENT, EXPENSES, AND
MONTHS OF TIME, THE PLAINTIFF
REQUEST FOR REIMBURSEMENT AND FOR
A JULY TRIAL TO THIS CASE.

SIGNATURE OF PLAINTIFF X

DATE

3/7/05

MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date.

☒ The plaintiff is willing to attempt to settle this claim through court mediation.

MILITARY AFFIDAVIT: The plaintiff states under the pains and penalties of perjury that the:

☒ above defendant(s) is (are) not serving in
the military and at present live(s) or work(s)
at the above address.

☐ above defendant(s) is (are) serving in
the military

SIGNATURE OF PLAINTIFF

DATE

x Dan Medina

3/7/05

NOTICE TO DEFENDANT:

You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right.

If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney.

SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM

NAME AND ADDRESS OF COURT

TRIAL COURT OF THE COMMONWEALTH
Housing Court Department - Western Division
Post Office Box 559 - 97 Elm Street
Springfield, Massachusetts 01102-0559

DATE AND TIME OF TRIAL

5:25 PM AT 10:00 AM

DATE

TIME

ROOM NO.

BOTH THE
PLAINTIFF
AND THE
DEFENDANT
MUST
APPEAR AT
THIS COURT
ON THE
DATE AND
TIME
SPECIFIED

COURT USE ONLY

FIRST JUSTICE

CLERK-MAGISTRATE OR DESIGNEE

William Abrashkin

Robert G. Fields

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on the back of this form.

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

HOUSING COURT

(Small Claims Session)

**C.A. Nos.05-SC-0122; 120; 121; 123; 132;
133; 134; 135**

DAN MEDINA,

Plaintiff,

v.

LAURA GENTILE, Assistant Clerk of the
Hampden Superior Court, and KTV, INC.

Defendants.

A TRUE COPY
IN WITNESS WHEREOF, I hereto set
my hand, and have caused the seal of
the Housing Court for the County of
Hampden to be affixed on 6/1/05

[Signature]

DEFENDANT'S RENEWED¹ MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Pursuant to Mass. R. Civ. P. 12(b)(1), 12(b)(6), and the Commonwealth's Tort Claims Act, G.L. c. 258, §§ 3 and 4, defendant, Laura Gentile, as she is Assistant Clerk of the Hampden Superior Court ("Ms. Gentile" or "state defendant") hereby moves to dismiss the Complaint recently filed against her by plaintiff Dan Medina ("Mr. Medina"). As grounds for her motion, Ms. Gentile states that (1) the action is barred by the doctrine of judicial immunity; (2) the Court lacks jurisdiction; and (3) Mr. Medina has failed to state a claim upon which he could be granted relief.

¹After filing Defendant's Motion to Dismiss Plaintiff's Complaint on April 27, 2005, it was brought to the attention of defendant that Mr. Medina has filed seven additional complaints reflecting frivolity like his previous complaint. This Renewed Motion to Dismiss enlarges the defendants plea to effect dismissal of all eight complaints of Mr. Medina, namely C.A. Nos.05-SC-0122; 120; 121; 123; 132; 133; 134; 135.

BACKGROUND

Mr. Medina, who has not previously filed a presentment notice² of negligence by the Commonwealth and/or its employees, filed eight incomprehensible small claims³ action in the Housing Court (wrong Small Claims Court) against Ms. Gentile, without indicating with clarity and specificity what, if any, wrong Ms. Gentile has done to him. To the extent the suits are treated as having been brought against the state defendant in her official capacity, they should be dismissed on the basis of judicial immunity (which covers both justices and clerks); lack of jurisdiction; and failure to state a claim upon which relief could be granted. See Mass. R. Civ. P. 12(b)(1), 12(b)(6), and G.L. c. 258, §§ 3 & 4. To the extent that the actions are treated as having been brought against the state defendant in her personal capacity, they should be dismissed because Mr. Medina has alleged no wrongdoing by the defendant.

To the extent the Complaints could be read and understood, Mr. Medina, without any substantiation of any wrong that Ms. Gentile did against him, stated in one complaint – a sample representative of the rest-- as follows:

“Defendant failure to their warranty and to replaid, repaired or reimburse against plaintiff

²See attached Affidavit from Ann Archer, Administrative Attorney for the Administrative Office of the Trial Court. Exhibit A.

³Prior to these actions, Mr. Medina had filed numerous other incomprehensible and conclusory actions, reflecting frivolous attributes similar to those adumbrated in the present action. Due to their unintelligibility and frivolous natures, several of these actions have been dismissed instantly. Indeed, due to their attributes, several justices have instructed Mr. Medina to abstain from filing any similar actions except with the approval of the Regional Administrative Justice (see Order Concerning Complaints Filed by Daniel Medina, Middlesex Superior Court, CA No. 97-1826, April 22, 1997, Botsford, J.,) (copy is attached); Order of the Court, Norfolk, SS Unfiled cases, Crastley L, May 1, 2002 (copy is attached) (Exhibit B).

caused a monetary loss, cost, expenses, and a months of time, the plaintiff request for reimbursement and for jury tialt in this case.” See Small Claims # No.05-SC-0122. Exhibit C.

ARGUMENT

I. **THE DEFENDANT IS ABSOLUTELY IMMUNE FROM CLAIMS ARISING OUT OF THE PERFORMANCE OF HER OFFICIAL DUTIES.**

Mr. Medina filed his actions in the Small Claims Court against Ms. Gentile. See Complaint Nos. No.05-SC-0122. To the extent Mr. Medina may contend that the actions are brought against the state defendant in her capacity as the Assistant Clerk-Magistrate of Hampden Superior Court, the actions are barred by the Doctrine of Judicial immunity. It is axiomatic that any judicial officer, including officers clerks, acting within the scope of their duties, are absolutely immune from such litigation. See Temple v. Marlborough Div. of the District Court, 395 Mass. 117, 129-32 (1985) (“doctrine insulates the judge from liability for acts committed in the exercise of his jurisdiction”), citing Pierson v. Ray, 386 U.S. 549, 553-54 (1967); Stump v. Sparkman, 435 U.S. 349, 357 (1978), other citations omitted. The immunity is from suit and not just from ultimate assessment of damages. Fabre v. Walton, 436 Mass. 517, 521 (2002) ([t]he “entitlement is an immunity from suit rather than a mere defense to liability; and . . . it is effectively lost if a case is permitted to go to trial”) (emphasis added), citing Mitchell v. Forsyth, 472 U.S. 511, 526 (1985). “The right to immunity to suit would be lost forever” if litigation proceeds until its conclusion. Braun v. Dartmouth, 428 Mass. 684, 688 (1999). The immunity is vitiated only where the judge or judicial officer acts in a non-judicial context, or in a clear absence of authority. Mirales v. Waco, 502 U.S. 9, 11 (1991); Pierson, 386 U.S. at 554 (“[I]mmunity applies even when the judge is accused of acting maliciously and corruptly.”)

Here, Mr. Medina's abstract assertions have failed to plead that the state defendant acted in an unofficial capacity. See Cok v. Sosentino, 876 F.2d 1 (1st Cir.1989). Accordingly, to the extent his complaints may be treated as against the state defendant as an Assistant Clerk, they are barred by the Doctrine of Judicial Immunity and must, therefore, be dismissed.

II. **THE COURT SHOULD DISMISS PLAINTIFF'S ACTIONS FOR LACK OF JURISDICTION AND FOR FAILURE TO STATE A CLAIM.**

Under G.L. c. 258, the Commonwealth's Tort Claims Act, individual public employees are not liable "for any injury or loss of property . . . caused by [their] negligent or wrongful act or omission while acting within the scope of [their] office or employment." G.L. c. 258, § 2. The exclusive remedy for such a loss or injury is a suit against the relevant "public employer" not the individual public employee. Id. See also Breault v. Chairman of Bd. of Fire Comm'rs, 513 N.E. 2d. 1277, 1283 (1987) (The MTCA "absolved public employees from liability for their negligent acts performed within the scope of official duties"), cert denied, 485 U.S. 906 (1988).

A. **This Court Lacks Subject Matter Jurisdiction.**

Pursuant to Mass. R. Civ. P. 12(b)(1) and G.L. c. 258, the Court should dismiss the actions on at least two jurisdictional grounds: (1) Mr. Medina has failed to effect presentment as required by G.L. c. 258, §§ 4 & 5, and (2) he brought his actions in the wrong court.

1. **Mr. Medina Has Failed to Meet The Presentment Requirement.**

Section 4 of G.L. c. 258 provides that "a civil action shall not be instituted against a public employer on a claim for damages under this chapter unless the claimant shall have first presented his claim in writing to the executive officer of such public employer." See Kinan v. Trial Court, 400 Mass. 582 (1987) (presentment of claims against clerk of District Court under c.

258, § 4, is properly made to the Chief Justice for Administration and Management of the Trial Court). The purpose of this requirement is to ensure that the responsible public official receives notice of the claim so that s/he can investigate to determine whether or not the claim has any basis, preclude payment of inflated or nonmeritorious claims, settle valid claims expeditiously, and take steps to avoid similar claims in the future. See Yun Ku v. Town of Framingham, 53 Mass. App. Ct. 727 (2002); Martin v. Commonwealth, 53 Mass. App. Ct. 526 (2002); McAllister v. Boston Housing Authority, 429 Mass. 300 (1999); Tivnan v. R.M.V., 50 Mass. App. Ct. 96 (2000).

The presentment requirement is a condition precedent to filing an action, and the statutory prescriptions for it must be rigidly met. Krasnow v. Allen, 29 Mass. App. Ct. 562 (1990) (presentment requirement under the Tort Claims Act is a condition precedent to bringing a suit), rev. denied, 409 Mass. 1102. Antonio v. City of Peabody, 51 Mass. App. Ct. 655 (2001) (presentment of negligence claim upon director of city's council on aging, a public agency of the city, did not suffice as presentment upon the city; director was without authority to compromise or settle claims on behalf of the city); Richardson v. Dailey, 424 Mass. 258 (1997) (letter to city clerk's office relating to pretrial detainee's suicide in holding cell did not satisfy the presentment requirement of the Tort Claims Act where letter discussed only actions of the Commonwealth employees in failing to prevent suicide and did not mention any claim against city); G & B Associates, Inc. v. City of Springfield, 39 Mass. App. Ct. 51 (1995) (in actions brought under the Tort Claims Act, if claimant fails to make proper presentment of his or her claim prior to bringing action, complaint is subject to dismissal for failure to state a claim upon which relief can be granted). Thus, even constructive presentment is insufficient. Berube v. City of

Northampton, 413 Mass. 635 (1992) (presentment requirement of Tort Claims Act may not be satisfied by constructive notice; actual presentment to designated executive officer is required); Robinson v. Commonwealth, 32 Mass. App. Ct. 6 (1992) (constructive notice is not sufficient to meet presentment requirement for claim under Massachusetts Tort Claims Act), rev. denied, 412 Mass. 1101; Baptiste v. Sheriff of Bristol County, 35 Mass. App. Ct. 119 (1993) (failure of administratrix of prisoner's estate asserting civil rights claim against sheriff to properly present her negligence claims to the county precluded recovery, even though presentment letter directed to sheriff was relayed to sheriff's department attorney, who allegedly also represented county commissioners); Pickett v. Commonwealth, 33 Mass. App. Ct. 645 (1992) (even if inmate's federal complaint sets forth claim of negligence against state agencies, it was insufficient for presentment under the Massachusetts Tort Claims Act; language of the Act, in requiring presentment of claim in writing, did not envision filing of complaint but rather it invited written notice of claim, which government may investigate and decide to acknowledge before commencement of legal combat), rev. denied, 414 Mass. 1103. Accordingly, an action filed in the Court would be dismissed even if no prejudice is caused by the failure to effect proper presentment. Robinson, 32 Mass. App. Ct. 6 (1992) (it is irrelevant that the defendant may not have suffered any prejudice by reason of lack of actual notice), rev. den. 412 Mass. 1101.

Here, Mr. Medina has failed to make any presentments regarding his actions. Specifically, the designated authority, the Chief Justice for Administration and Management of the Trial Court, has not received any presentment regarding any of Mr. Medina's actions against the State defendant. (See Affidavit of Ann Archer). This clearly is fatal to his actions because it runs counter to the basic rationale and tenets of the statute, viz., the need to afford the designated

authority the opportunity to investigate claims to ensure that they are neither invalid nor inflated. Accordingly, Mr. Medina's premature action should be dismissed on this jurisdictional ground too.

2. Mr. Medina Has Failed to Bring His Actions In the Right Court.

This Court lacks jurisdiction over small claims actions against the Commonwealth and its officials and must accordingly dismiss the actions on that ground as well. Specifically, only the Superior Court is authorized to hear and determine claims under the Tort Claims Act. See G.L. c. 258, § 3; Erickson v. Manca, 1992 Mass. App. Div. 199 (District Court Department lacks subject matter jurisdiction over civil actions brought against public employer; all small claims against city and its employees acting in the course of their employment must be brought to the Superior Court); James v. Boston Housing Authority, 1988 Mass. App. Div. 30 (District Court lacks requisite subject matter jurisdiction to entertain and resolve a Massachusetts Tort Claims Act case); Alexander v. City of Boston, 1993 Mass. App. Div. 117 (Appellate Division of Municipal Court lacked subject matter jurisdiction over tort action brought against public employer); Spencer v. City of Worcester, 1984 Mass. App. Div. 116, 117-118; Keel v. Cambridge Housing Auth. 1987 Mass. App. Div. 171, 172.

It is settled that when one court is accorded exclusive original jurisdiction over an action, no other court may exercise "any power or authority to hear" such action. Humphrey v. Berkshire Woollen Company, 92 Mass. 420, 421 (1865); Nolan, Massachusetts Practice Series, Civil Practice, Vol. 9, § 106 at p. 149 (1992 2nd ed.) (stating that if a court "has not been given original jurisdiction over a particular type of proceeding," that court lacks the "power or authority to decide the case, and any decision rendered is void.") Here, Mr. Medina filed his Complaints in

the Housing Court, a Court which lacks jurisdiction over non-housing matters. Thus, the Complaint should be dismissed for this reason also.

B. Mr. Medina Has Failed to State A Claim

Even if Mr. Medina's action were treated as an action brought against the state defendant in her personal capacity, it should still fail. Not only is the complaint insufficient for any purpose, but, in addition to its lack of clarity and specificity, it totally fails to allege any wrongdoing on the part of the defendant. See Mass. R. Civ. P. 12(b)(6). Cf. Eyal v. Helen Broadcasting Corp. 411. Mass. 426, 429 (1991). The complaint should not be dismissed for failure to state a claim "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of [his] claim which would entitle him to relief," Nader v. Citron, 372 Mass. 96, 98 (1977). See also Epstein v. Seigel, 396 Mass. 278, 279 (1985). (We look exclusively at the . . . complaint to determine whether it states "a claim upon which relief can be granted." Mass. R. Civ. P. 12(b)(6). . . . A motion to dismiss under Rule 12(b)(6) is an appropriate vehicle for raising such a defense). Cf. Gloros v. Perse, 628 F. 2d 679, 684 (1st Cir. 1980) (although pro-se complaints are read liberally, even pro se plaintiffs must plead specific facts to back their claims). Mr. Medina has totally failed to allege any intelligible claim, let alone any wrongdoing by the state defendant. Accordingly, his Complaints fails for this reason too. Cf. Lolos v. Berlin, 338 Mass. 10, 14 (1958) ("the right of a party to have the court consider a point entails a duty; that duty is to assist the court with argument and appropriate citation of authority).

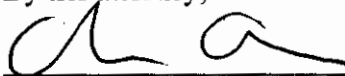
CONCLUSION

For any and all of the foregoing reasons, the Court should dismiss Mr. Medina's action.

Respectfully submitted,

LAURA GENTILE,
Assistant Clerk of the Hampden Superior Court

By her attorney,



Christopher O. Quaye, BBO # 637594
Administrative Attorney
Administrative Office of the Trial Court
Two Center Plaza, Room 540
Boston, MA 02108

Date: May 3, 2005

(617) 878-0207

JCCS copy

Exhibit B

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

UNFILED CASES

DANIEL MEDINA

vs.

**MICHAEL MAHONEY, Commissioner of Department of Corrections,
SUSAN MOITZO, MARNIE HAIRAPETIAN, K.T.V. INC.,
LORI MALAKOFF, DURACRAFT CORPORATION
HONEYWELL CORP., ATTORNEY WAYNE MURPHY,
ATTORNEY TIMOTHY FLAHERTY, PETER E. ALLEN,
CAPTAIN FURTADO, and ABBY NELLIGAN**

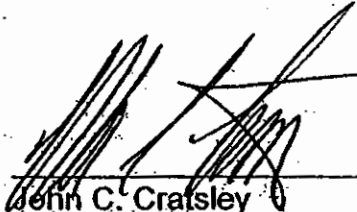
ORDER OF THE COURT

Following the reasoning of Judges Botsford (Middlesex County) and Hinkle (Suffolk County), I have reviewed all eleven of this pro-se plaintiff's recent complaints (dated 3/24/02, three on 3/28/02, three on 3/29/02, two on 4/11/02, and two on 4/17/02) I find, as did Judges Botsford and Hinkle, that each complaint contains conclusory and unintelligible allegations and accusations, often using inappropriate and repetitive language. While Medina certainly has a right to file complaints which allege facts and causes of action that may properly be addressed in a civil action, he does not have a right to overburden the courts, the attorneys, and the government agencies and officials who will be called upon to respond by filing complaints filled with conclusory, repetitive allegations and improper language.

Therefore, I conclude that this pro se petitioner is a vexatious litigant who has

abused his right to petition this Court for redress of grievances by filing repetitious, frivolous, unintelligible, and unnecessary civil actions without justification.

For all of these reasons, while this petitioner does appear to be indigent, I exercise my administrative discretion to prohibit the filing of those eleven lawsuits.



John C. Cratsley
Justice of the Superior Court

DATED: May 1, 2002

JUL-22-98 WED 08:46 !D:H: : GENERAL CRIM TEL NO: 517-727-5755

ES67 P04

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK SUPERIOR COURT
PUBLIC CIVIL DOCKET & HISTORY

SUCV98-01447

As of 07/13/98

Medina v McDonough, County Contr

Page 2

*** DOCKET ***

DATE PAPER ENTRY

Administrative Justice, Civil for review (2) If the Regional Administrative Justice approves the proposed complaint for filing, the same shall be entered in the Clerk's Office, and the case will be assigned to a regular civil session in Suffolk County - If the Regional Administrative Justice decides to approve the proposed complaint for filing, the same shall not be filed but shall be returned to Mr. Medina (Hinkle, Justice).

05/29/98 7.0 Memorandum of decision and order (Hinkle, J.) Notice sent 6/01/98

06/02/98 8.0 JUDGMENT OF MOTION TO DISMISS (PURSUANT TO MASS R CIV P 12(b))

The complaint of plff is dismissed and deft recover costs entered on docket pursuant to Mass R Civ P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d) (Hinkle, J.)

*** CALENDAR ***

DATE COURTEVENT EVENT STATUS SES SCH DATE

05/22/98 HRNG: Rule 12 motion Held B 05/22/98
hearing on motion to dismiss and show cause hearing

JUL 22 '06 LED 09:46 ID:ATTY GENERAL CRIM1 TEL NO:617-727-5755

#967 P03

fee, & service fee

03/18/98 Origin 1, Type E17, Track A.

03/18/98 2.0 Complaint

03/18/98 3.0 Civil action cover sheet re: complaint

05/08/98 4.0 Motion of deft to Dismiss (w/o opposition)

05/08/98 5.0 Request of deft for change of Venue...

05/14/98 Writ of Habeas Corpus to issue re:ble Fri May 22, 1998 Km 243

re:Mo to dismiss (Hinkle, J) Writ issued (See PW4) Notice sent

5/15/98

05/29/98 6.0 ORDER entered after show cause hearing - it is ORDERED that: (1)

Daniel Medina is enjoined from filing, submitting for filing, or seeking to file any new civil action in Suffolk County without first submitting the proposed complaint to the Regional

Exhibit B

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX SS.

SUPERIOR COURT
CIVIL ACTION
NO. 37-1816

DANIEL MEDINA

HERBERT F. WILKINS,
CHIEF JUSTICE OF THE SUPREME JUDICIAL COURT

ORDER CONCERNING COMPLAINTS FILED BY DANIEL MEDINA

The plaintiff Daniel Medina filed this action on April 10, 1997. From January 1, 1997 to date, Medina has filed a total of twenty-three separate complaints. Each of them is brought against various public officials in Federal, State and local government agencies as well as the State Supreme Judicial Court, alleging, inter alia, violation of several constitutional rights.

Medina is an inmate at the Massachusetts Correctional Institution at Cedar Junction, apparently serving a sentence imposed after his 1994 conviction in the Superior Court in Norfolk County after a trial on one or more indictments. A review of the complaints filed by Medina indicates that many of them complain about issues and matters which must be raised first in the context of any appeal or motion for new trial he may be bringing in connection with the criminal conviction(s). Other complaints contain conclusory allegations and accusations against a variety of governmental officials, sometimes cast in highly inappropriate language. Furthermore, in none of these complaints is there any indication of why Middlesex County is a proper venue for the action, given that Medina is currently residing in Norfolk County and the officials he has named as defendants do not have offices in Middlesex County [While Medina certainly has a right to file complaints which allege facts and causes of action that may properly be addressed in

Exhibit B

1:05 CV 00149 FR MIDDLESEX SUPERIOR COURT 17 494 1762 10 7275753

P.03

Exhibit B

a civil action, he does not have a right to overburden the courts and the government agencies and officials who will be called upon to respond by filing complaints filled with conclusory, repetitive allegations and improper language.]

In light of the pattern of excessive filing that has been established here, it is **ORDERED** as follows:

1. Daniel Medina is enjoined from filing, submitting for filing, or seeking to file any new civil action in Middlesex County without first submitting the proposed complaint to the Regional Administrative Justice, Civil, for review.
2. If the Regional Administrative Justice approves for filing the proposed complaint, the same shall be entered in the Clerk's Office, and the case will be assigned to a regular civil session in Middlesex County. If the Regional Administrative Justice declines to approve the proposed complaint for filing, the same shall not be filed but shall be returned to Medina.

Margaret B. Blaisford
Margaret Blaisford
Regional Administrative Justice, Civil

Dated: April 22, 1997

STATEMENT OF SMALL CLAIM AND NOTICE OF TRIAL

Court
Only

DOCKET NO.

05-SC-0122

Small Claims Session
Small Claims Session



☐ BOSTON MUNICIPAL
COURT

☒ DISTRICT COURT

☐ HOUSING COURT

Springfield Division

Division

PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE

PLAINTIFF'S ATTORNEY (if any)

DAN MEDINA

Name:

P.O. Box 100

Address:

Springfield MA 01102

PHONE NO:

PHONE NO:

BBO NO:

DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE

ADDITIONAL DEFENDANT (if any)

LARA R. GENTILE

Name:

K. KIL

50 STATE ST. P.O. Box 559

Address:

1 MADISON STREET

Springfield 01102

EAST RUTHERFORD NJ
07073

PHONE NO:

PHONE NO:

PLAINTIFF'S CLAIM. The defendant owes \$1800 plus \$ court costs for the following reasons:
Give the date of the event that is the basis of your claim.

DEFENDANT FAILURE TO THEIR WARRANTY
AND TO REPAIR, REPAIR OR REIMBURSE
AGAINST PLAINTIFF CAUSED A MONETARY
LOSS, RENT, EXPENSES, AND
AMOUNTS OF TIME, THE PLAINTIFF
REQUEST FOR REIMBURSEMENT AND FOR
A JURY TRIAL IN THIS CASE.

SIGNATURE OF PLAINTIFF X

DATE

3/7/05

MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date.

☒ The plaintiff is willing to attempt to settle this claim through court mediation.

MILITARY AFFIDAVIT: The plaintiff states under the pains and penalties of perjury that the:

☒ above defendant(s) is (are) not serving in
the military and at present live(s) or work(s)
at the above address.

☐ above defendant(s) is (are) serving in
the military

SIGNATURE OF PLAINTIFF

DATE

x Dan Medina

3/7/05

NOTICE TO DEFENDANT:

You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right.

If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney.

SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM

NAME AND ADDRESS OF COURT

TRIAL COURT OF THE COMMONWEALTH
Housing Court Department - Western Division
Post Office Box 559 - 97 Elm Street
Springfield, Massachusetts 01102-0559

DATE AND TIME OF TRIAL

5:25:05 AT 10:01 AM

DATE

TIME

ROOM NO.

BOTH THE
PLAINTIFF
AND THE
DEFENDANT
MUST
APPEAR AT
THIS COURT
ON THE
DATE AND
TIME
SPECIFIED

▼ COURT USE ONLY ▼

FIRST JUSTICE

CLERK-MAGISTRATE OR DESIGNEE

William Abrashkin

Robert G. Fields

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on the back of this form.

THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE TRIAL COURT
Two Center Plaza
Boston, Massachusetts 02108

Tel: (617) 742-8575
Fax: (617) 742-0968

May 3, 2005

Housing Court Department—Western Division
Att: the Clerk
37 Elm Street
Springfield, MA.01102

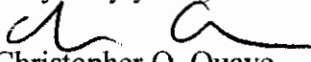
**RE: Dan Medina v. Laura Gentile, Hampden Housing Court, Small Claims
Session, Docket #s. 05-SC-0122, C.A. Nos.05-SC-0122; 120; 121; 123; 132;
133; 134; 135.**

Dear Sir/Madam:

Enclosed for filing and docketing please find, along with an affidavit, Defendant's
Renewed Motion to Dismiss.

Thanks for your assistance in this matter.

Very truly yours,


Christopher O. Quaye
Administrative Attorney
(617) 878-0207

cc:

Dan Medina, pro se
807 Cushing Road
Warren, ME 04864

Dan Medina
P. O. Box 100
South Walpole, MA. 02071

Laura Gentile, Assistant Clerk
Hampden Superior Court
Hall of Justice
50 State Street,
Springfield, MA 01102

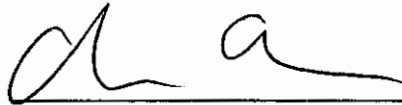
CERTIFICATE OF SERVICE

I, Christopher O. Quaye, Administrative Attorney at the Administrative Office of the Trial Court, hereby certify that I have on this day, May 3, 2005, served the within State Defendant's Renewed Motion to Dismiss Complaint upon plaintiff by causing a copies to be mailed first class, postage prepaid to:

Dan Medina
P. O. Box 100
South Walpole, MA. 022071

Dan Medina
807 Cushing Road
Warren, MA 04864

Date: May 3, 2005

A handwritten signature in black ink, appearing to be 'C. Quaye', written over a horizontal line.

Christopher O. Quaye, BBO # 637594
Administrative Attorney

Exhibit A

HAMPDEN, ss.

COMMONWEALTH OF MASSACHUSETTS

HOUSING COURT

(Small Claims Session)

C.A. Nos.05-SC-0122; 120; 121; 123; 132;
133; 134; 135

DAN MEDINA,

Plaintiff,

v.

LAURA GENTILE, Assistant Clerk of the
Hampden Superior Court, and KTV, INC.

Defendants.

AFFIDAVIT OF ANN ARCHER

I, Ann Archer, hereby depose and say that:

1. I am an Administrative Attorney of the Legal Department of the Administrative Office of the Trial Court and keeper of the records of claims against the Trial Court made pursuant to G.L. c. 258;
2. The Chief Justice for Administration and Management is statutorily authorized by G.L. C. 258 to receive presentment of tort claims against the Trial Court;
- B. It is standard procedure in the Administrative Office of the Trial Court that presentment letters for claims against the Trial Court pursuant to G.L. c. 258 are forwarded to my attention;
- C. I have caused a search to be made of the files of this office and, to the best of my knowledge, no written presentment of the claims, which are the subject of the above-entitled actions, has been received by this office.

Signed under the pains and penalties of perjury on the 3 day of May, 2005.


Ann Archer

Administrative Attorney

Administrative Office of the Trial Court

2 Center Plaza, Room 540

Boston, MA. 02108

(617) 878 0220

**STATEMENT OF SMALL CLAIM
AND NOTICE OF TRIAL**For Court
Use Only.

DOCKET NO.

**Trial Court of Massachusetts
Small Claims Session**PART
1☐ BOSTON MUNICIPAL
COURT☒ DISTRICT COURT

Springfield Division

☒ HOUSING COURT

Western Division

Division

PART
2

PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE

DAN MEDINA

P.O. BOX 100

S. WALPOLE MA 02071

PLAINTIFF'S ATTORNEY (if any)

Name:

Address:

PHONE NO:

PHONE NO:

BBO NO:

PART
3

DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE

LAURA S. GENTILE

50 STATE ST.

Springfield D1102

ADDITIONAL DEFENDANT (if any)

Name:

ROBERT S. MUELLER III

Address:

935 PENNSYLVANIA AVE

N.W. WASHINGTON D.C. 20535

PHONE NO:

PHONE NO:

(202) 324-3000

PART
4**PLAINTIFF'S CLAIM.** The defendant owes \$ 2000 plus \$ _____ court costs for the following reasons:
Give the date of the event that is the basis of your claim.

DEFENDANTS IS RESPONSIBLE FOR FAIRNESS AND JUSTICE
THE BOSTON FBI IS BEEN THE GREAT BABYLON - THE
MOTHER OF ALL PROSTITUTES AND THE A DOMINATION OF
MASS. WHO SLEEPING IN BED FOR 23 YEARS WITH THE
NEW ENGLAND ORGANIZED CRIME AND MODERN INFORMANT
FRAMED AND COVER UP, THE SPECIAL AGENTS KENNETH KAISER
IS BEEN PREVENT ANY ONE, TO SHAMEFULLY EXPOSED THE SKILL
GOING ON FBI CORRUPTION IN MY CASE THE HOLD EVIDENCE THAT
CAN RELEASE, I WAS FRAMED BY JOHN COLUMBY.

SIGNATURE OF PLAINTIFF X

DATE

4/10/05

PART
5**MEDIATION:** Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date.☒ The plaintiff is willing to attempt to settle this claim through court mediation.PART
6**MILITARY AFFIDAVIT:** The plaintiff states under the pains and penalties of perjury that the:☒ above defendant(s) is (are) not serving in
the military and at present live(s) or work(s)
at the above address.☐ above defendant(s) is (are) serving in
the militaryx [Signature]

SIGNATURE OF PLAINTIFF

4/10/05
DATE

NOTICE OF TRIAL

NOTICE TO DEFENDANT:

You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right.

If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney.

SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM

NAME AND ADDRESS OF COURT

Western Div Hsg Court

37 Elm Street

Springfield, Ma 01102

DATE AND TIME OF TRIAL

5-25-05

AT

10:00

DATE

TIME

ROOM NO.

BOTH THE
PLAINTIFF
AND THE
DEFENDANT
MUST
APPEAR AT
THIS COURT
ON THE
DATE AND
TIME
SPECIFIED

COURT USE ONLY

COURT COPY

FIRST JUSTICE
William H AbrashkinCLERK-MAGISTRATE OR DESIGNEE
Robert G Fields**INSTRUCTIONS FOR FILING A SMALL CLAIM** — You must complete Parts 1-6 of this form. See instructions on reverse.